THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P.No.4161/2006

J.B.Sailaja ..Petitioner

V.

1. The Commissioner, Civil Suipplies Department, Andhra Pradesh, Hyderabad and others. ..Respondents.

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W.P.No.4161/2006

ORAL ORDER

The petitioner invoked the Certiorari jurisdiction of this Court

for calling the records from the 1st respondent, Commissioner of Civil Supplies Department, Hyderabad in Revision Petition No.N1/11710/2005 dt. 21-01-2006 wherein he confirmed the order of the second respondent, Chief Rationing Officer, Hyderabad in Appeal No.CI/1163/2005 dt. 23-7-2005 filed against questioning the appointment of third respondent as Fair Price Shop Dealer for shop No.229 and to quash the same.

The relevant facts shorn of details and necessary for the disposal of these cases lie in a narrow compass: On the death of petitioner's father J.B.Ramakrishna Rao, the petitioner was permitted to run Fair Price Shop No.229 temporarily until permanent arrangement is made. While the petitioner is doing fair price shop business, as she is indulged in clandestine business by diverting the essential commodities meant for Public Distribution System into black market, the Assistant Supply Officer, Circle II along with his checking Inspectors made surprise check of the shop and found shortage of 78 Kgs of rice and 213 litres of Kerosene. Accordingly, he seized the available stock and filed a report under Section6-A of the Essential Commodities Act, 1955 before the Chief Rationing Officer. The appointing authority suspended the temporary dealership and having considered the explanation of the petitioner passed orders confiscating 70% of the seized stock in favour of the Government, besides forfeiting security deposit to a tune ofRs.500/- and restoring the temporary dealership. On such restoration, when the petitioner failed to lift the essential commodities, which caused inconvenience to the cardholders, the appointing authority notified the vacancy of Fair Price Ship No.229 and conducted interviews on 13-12-2004 by way of walk-in-interview. The petitioner also appeared for the said interview. The appointing authority selected the third respondent as dealer.

Aggrieved by the selection of the third respondent, the petitioner unsuccessfully challenged her appointment in appeal before the Chief Rationing Officer and on dismissal of the appeal, revision petition filed by her also face the same fate. Assailing the correctness of the same, the present writ petition is filed.

Learned counsel for the petitioner would contend that ordering confiscation of 70% of the seized stock is only a minor punishment and it is not a serious irregularity and her temporary dealership was restored, she is entitled to be appointed as a fair price shop dealer. The finding recorded that the antecedents of the petitioner is doubtful, by the first respondent and the appellant authority is without there being any evidence. Taking into consideration the social status of the petitioner that she has to maintain her sick father and family, she would have been appointed as a fair price shop dealer by the appointing authority.

It is not in dispute, Section 6-A proceedings initiated against the petitioner, which culminated into confiscation of 70% of the seized stock and forfeiture of security deposit have become final and have not been challenged. The appointing authority while considering the candidature for appointment of a fair price shop dealer, took the same into consideration. Therefore, no infirmity is discernible in the orders passed by the appointing authority as confirmed by the appellate as well as revisional authorities, warranting interference of this court.

The writ petition is accordingly dismissed. No costs.

Kmr 6-4-2006